

**\*E-FILED 2/13/2008\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

BIN LI,

No. C07-05564 HRL

Plaintiff,

v.

**ORDER (1) VACATING CASE  
MANAGEMENT CONFERENCE AND  
(2) SETTING CASE MANAGEMENT  
SCHEDULE**

MICHAEL CHERTOFF, Secretary of the  
Department of Homeland Security; EMILIO T.  
GONZALEZ, Director of United States  
Citizenship and Immigration Services; ROBERT  
S. MUELLER III, Director of the Federal  
Bureau of Investigation,

Defendants.

Based on the parties' Joint Case Management Statement, the court orders as follows:

The case management conference set for February 19, 2008, 1:30 p.m. is VACATED.

The court adopts the parties' statement of disputed factual and legal issues as set forth in the Joint Case Management Statement.

The parties indicate that this case may be resolved shortly. If the matter is settled, the parties shall file a stipulated dismissal by April 14, 2008.

If the parties are unable to settle this matter by that date, the case shall proceed as follows: The parties advise that no formal discovery is necessary; and, they agree that this matter can be resolved on summary judgment. Accordingly, the court sets the following

1 schedule on the parties' cross-motions for summary judgment:

- 2 • Cross-motions for summary judgment due by **April 22, 2008**;
- 3 • Parties' respective opposition papers due by **May 6, 2008**.

4 The court anticipates that no hearing will be necessary. Accordingly, unless otherwise ordered,  
5 the matter will be deemed submitted without oral argument.

6 IT IS SO ORDERED.

7 Dated: February 13, 2008

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10 HOWARD R. LLOYD  
11 UNITED STATES MAGISTRATE JUDGE  
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**United States District Court**

For the Northern District of California

**5:07-cv-5564 Notice has been electronically mailed to:**

Ila Casy Deiss [ila.deiss@usdoj.gov](mailto:ila.deiss@usdoj.gov), [tiffani.chiu@usdoj.gov](mailto:tiffani.chiu@usdoj.gov)

Justin Fok [jfok@jclawoffice.com](mailto:jfok@jclawoffice.com), [bli@jclawoffice.com](mailto:bli@jclawoffice.com)

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